

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	HOGAN, Karen)	Atty. Docket No.: 22660-RA
)	
Serial No.:	10/667,680)	Examiner: PRICE JR., Richard T.
)	
Filed:	September 22, 2003)	Group Art: 3643
)	
Title:	Apparatus and Method For)	
	<u>Preparing Food</u>)	

12 June 2008

RESPONSE TO SECOND NOTIFICATION
OF NON-COMPLIANT APPEAL BRIEF

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief (PTOL-462) mailed May 30, 2008, please find a replacement summary of claimed subject matter section, wherein a corrected summary of each independent claim is provided separately. Please replace non-compliant section V of the previously-filed Appeal Brief with the following replacement section.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office Private PAIR/EFS addressed to: Mail Stop - Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on:

12 June 2008

(Date)

George P. Bonanto

(Name of Person E-filing)

/George P. Bonanto/

(Signature of Person E-filing)

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed invention, as recited in independent claim 1, is an apparatus and method for tenderizing food items comprising, *inter alia*, a bag and a mechanical tenderizing surface. More specifically, and with reference to Figures 1-3 of the application, and to pages 14-18 of the written description, the food tenderizing and marinating bag **20** includes a plurality of pointed protrusions or tenderizing teeth **40** disposed on an interior surface of bag **20** (page 16, lines 13-15). Bag **20** is preferably flexible and defines a re-sealable interior pocket for containing one or more food item and a liquid marinade (page 14, lines 15-23 and page 15, lines 9-19).

Bag **20** may preferably be used to tenderize and/or marinate a food item, such as piece of meat **M**, by sealing the food item, with or without marinade, within bag **20**. Bag **20** may then be struck or pressed, either by hand or using a tool, to drive tenderizing teeth **40** into the food item to tenderize same. Where marinade is used, the tenderizing process preferably further introduces the marinade to the interior of the food item via tenderizing teeth **40**. *See* page 17, line 14 to page 18, line 2).

As recited in claim 15, the invention is an apparatus and method for tenderizing food items comprising, *inter alia*, a bag and a mechanical tenderizing surface. More specifically, and with reference to Figures 1-3 and 6 of the application, and to pages 14-18 and 20 of the written description, the apparatus includes bag **20** having a mechanical tenderizing surface **40** or **140** (page 16, lines 13-15 and page 20, lines 1-23. Similarly, bag **20** may preferably be used to tenderize and/or marinate a food item, such as piece of meat **M**, by sealing the food item, with or without marinade, within bag **20** (page 14, lines 15-23 and page 15, lines 9-19).

As recited in claim 25, and as described at pages 14-18 of the written description, the invention is a method of tenderizing and/or marinating meats or other food items. More specifically, the method includes the steps of obtaining a bag (such as bag **20** having protuberances **40**) having a protuberances disposed on a surface therewithin, placing meat **M** or other food item in the bag, and tenderizing the food item. *See* page 17, line 14 to page 18, line 2.

CONCLUSION

Please replace the non-compliant summary of claimed subject matter section of the previously-filed Appeal Brief with the foregoing replacement section. If there are any problems or questions regarding the instant response, please contact Applicant's undersigned attorney.

Respectfully submitted this 12th day of June, 2008.

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